

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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PEOPLE OF THE STATE OF NEW YORK BY
ANDREW M. CUOMO, Attorney General of the
State of New York,

Petitioner,

vs.

M&E TECHNICAL SERVICES, LLC, and MICHAEL
DONNELLY,

Respondents.
-----X

HON. GLENN T. SUDDABY

CONSENT AND
STIPULATION

Civil Action No. 7:09-cv-268
(GTS/ATB)

IT HEREBY IS ACKNOWLEDGED, STIPULATED, CONSENTED TO AND
AGREED, by and between Petitioner, the People of the State of New York, by their
attorney, Andrew M. Cuomo, Attorney General of the State of New York, and
Respondents, M & E Technical Services, LLC, and Michael Donnelly, (collectively
“METS”):

1. Petitioner and Respondents consent to entry of the annexed Consent Order
and Judgment.

2. This Consent and Stipulation is entered into by Respondents of their own
free and voluntary act, with full knowledge and understanding of this proceeding and the
obligations and duties imposed upon them by the annexed Consent Order and Judgment.

3. Respondents enter into this Consent and Stipulation without any
admission of wrongdoing.

4. The entry of the attached Consent and Order and Judgment shall not be deemed or construed as an approval by the Attorney General of any of the business activities of Respondents.

Dated: Watertown, New York

September 21, 2010
activer

ANDREW M. CUOMO
Attorney General of the
State of New York

BY: 

DEANNA R. NELSON
Assistant Attorney General in Charge
Watertown Regional Office
New York State Attorney General
Dulles State Office Building, 10th Floor
317 Washington Street
Watertown, NY 13601
(315) 785-2444

M & E Technical Services, LLC ("METS")

BY: 

Mike Martin, President
M & E Technical Services, LLC

BY: _____

MICHAEL DONNELLY

ATTN: Jon Powell

~~FILED 812-4780~~

4. The entry of the attached Consent and Order and Judgment shall not be deemed or construed as an approval by the Attorney General of any of the business activities of Respondents.

Dated: Watertown, New York
September ___, 2010

ANDREW M. CUOMO
Attorney General of the
State of New York

BY:

DEANNA R. NELSON
Assistant Attorney General in Charge
Watertown Regional Office
New York State Attorney General
Dulles State Office Building, 10th Floor
317 Washington Street
Watertown, NY 13601
(315) 785-2444

M & E Technical Services, LLC ("METS")

BY: _____
Milt Martin, President
M & E Technical Services, LLC

BY: 
MICHAEL DONNELLY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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PEOPLE OF THE STATE OF NEW YORK BY
ANDREW M. CUOMO, Attorney General of the
State of New York,

HON. GLENN T. SUDDABY

Petitioner,

Civil Action No. 7:09-cv-268
(GTS/ATB)

vs.

CONSENT ORDER
AND JUDGMENT

M&E TECHNICAL SERVICES, LLC, and MICHAEL
DONNELLY,

Respondents.

-----X

UPON the Verified Petition dated January 27, 2009, and the Consent and Stipulation, dated October 21, 2010, and the parties' settlement of the above-captioned action, in which the parties consent to the entry of this Consent Order and Judgment ("Consent Order") ;

IT NOW APPEARS that M&E Technical Services, LLC, and its principal, Michael Donnelly (collectively, "METS" or the "Respondents"), are willing to enter into this Consent Order, without admitting any of the allegations contained in the Verified Petition;

NOW, on motion of Andrew M. Cuomo, Attorney General for the State of New York, attorney for the petitioner herein (Deanna R. Nelson, Assistant Attorney General of counsel), and upon consent of Respondents and their counsel, John G. Powers, Esq., it is hereby:

1. **ORDERED, ADJUDGED AND DECREED** that this Consent Order is entered by the Court on the consent of both parties for the purpose of enforcing the terms

of a voluntary settlement that resolves the dispute between the parties that are at issue in the above-captioned action, and that this Order makes no findings as to liability on the claims of either party. It is further

2. **ORDERED, ADJUDGED AND DECREED** that this Consent Order shall extend to METS, its principals (including but not limited to Michael Donnelly), directors, officers, shareholders, employees, successors, and assignees and agents acting on their behalf; and to any corporation, company, business entity or other entity or device in which they have an ownership interest.

3. **ORDERED, ADJUDGED AND DECREED** that for purposes of this Consent Order, the "Effective Date" shall mean the date of this Consent Order.

4. **ORDERED, ADJUDGED AND DECREED** that, notwithstanding that the Court has made no findings of liability and the respondents have offered no admission of liability, Respondents hereby agree to refrain from:

(a) Engaging in fraudulent, deceptive and illegal business practices as defined in New York Executive Law § 63(12); and

(b) Conducting business in violation of Business Corporation Law §1303.

RESTITUTION

5. **ORDERED, ADJUDGED AND DECREED** that the settlement payment set forth below at Paragraph 7 shall be allocated, in part, by Petitioner in payments of One Thousand One Hundred Dollars (\$1,100.00) to each of the 92 former METS employees who have filed complaints with the New York State Attorney General's Office and are identified in the attached Schedule "A", the sum total being One Hundred and One Thousand Two Hundred Dollars (\$101,200.00). Payment shall be made in

installments as set forth below and by wire transfer in accordance with instructions to be provided Respondents by the New York State Attorney General, Budget & Fiscal Management Unit.

6. **ORDERED, ADJUDGED AND DECREED** that the payment set forth below in Paragraph 7 shall be allocated, in part, by Petitioner in a payment of Fifty-Five Thousand Dollars (\$55,000.00), for the expenses associated with this investigation of alleged violations of New York Executive Law § 63(12) and New York Business Corporation Law § 1303, representing an allocation for penalties, fees, and costs to the New York Attorney General.

7. **ORDERED, ADJUDGED AND DECREED** the total payments of One Hundred Fifty-Six Thousand Two Hundred Dollars (\$156,200.00)(the "Total Payment") may be made in three monthly payments of Fifty-Two Thousand Sixty-Six Dollars and Sixty-Seven Cents (\$52,066.67) commencing on the Effective Date and being paid in full, not later than ninety (90) days from the Effective Date.

8. **ORDERED, ADJUDGED AND DECREED** that payment will be in the form of a wire transfer to the account designated by the New York State Attorney General's Office. The payment and all correspondence related to this Consent Order must reference "COJ-AOD # 10-076."

MISCELLANEOUS

9. **ORDERED, ADJUDGED AND DECREED** that upon application by the Attorney General showing that Respondents have failed to pay any of the amounts due hereunder the Court shall retain the authority to enforce the terms of this consent order pursuant to such terms as are fair and just, including but not limited to the entry of

a money judgment in the amount due plus interest at the New York statutory rate of nine percent (9%) per annum from the date of violation or nonpayment against Respondents, and Petitioner shall have execution thereof.

10. **ORDERED, ADJUDGED AND DECREED** that nothing in this Consent Order shall be construed as to deprive any person of any private right under the law.

11. **ORDERED, ADJUDGED AND DECREED** that Respondents shall provide written notice to the Attorney General of any change in address within ten (10) days of such change until the Total Payment set forth in Paragraph 7 is made in full.

12. **ORDERED, ADJUDGED AND DECREED** that this Court shall retain jurisdiction of this action for the purpose of carrying out or modifying the terms of this Consent Order or granting such further relief as the Court deems just and proper.

13. **ORDERED, ADJUDGED AND DECREED** that Respondents shall not take any public action or make any public statement denying, directly or indirectly, the validity or voluntariness of this Consent Order. Nothing in this consent order shall affect Respondents' (i) testimonial obligations or (ii) right to take legal or factual positions in defense of litigation or other legal proceedings to which the Attorney General is not a party. This Consent Order is not intended for use by any third party in any other proceeding and is not intended, and should not be construed, as an admission of liability or wrongdoing by Respondents.

14. **ORDERED, ADJUDGED AND DECREED** that this Consent Order shall be binding on and inure to the benefit of the parties to this Consent Order and their respective successors and assigns, provided that no party, other than the Attorney General, may assign, delegate, or otherwise transfer any of its rights or obligations under

this Consent Order without the prior written consent of Attorney General.

15. **ORDERED, ADJUDGED AND DECREED** that in the event that any one or more of the provisions contained in this Consent Order shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Consent Order.

16. **ORDERED, ADJUDGED AND DECREED** that this Consent Order shall be governed by the laws of the State of New York without regard to any conflict of laws principles.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: October 22, 2010

SCHEDULE A

SCHEDULE A

Angel, Guy
Barney, Alan
Bartelson, Robert
Beebe, John
Booth, Brandy
Breeden, Robert
Brown, Joe
Brown, Mike
Brownell, Michael Jr.
Buckley, Dustin L.
Burns, Dennis
Camidge, Dianne
Carlisle, Kelly
Carpenter, Chris
Chadderton, Lawrence
Ciz, Bruce F.
Comstock, Troy
Cook, Jared
Countryman, Mark
Countryman, Tyler
Dancause, Jason
Dancause, Ronald
Dealing, Joel
Dean, Thomas
De Meurers, John Jr.
Dickson, Christopher
Dickson, Robert
Dickson, Ryan
Eggleston, Matthew
Forbes, Arthur James
Forbes, Joseph H.
Gaba, Timothy Jr.
Gates, William
Gibeau, Dave
Gigon, Matthew

Gigon, Ryan
Gladle, Gregory
Hanson, Anthony
Hugh, Mark
LaClair, Adam
Lancto, Ryan
Lancto, Kristopher
Lasek, Pat III
Leonard, Thomas
MacMillan, Robert J.
Mashaw, Robert E.
Mashaw, Justin
McGhee, Richard
Merritt, Phillip
Miller, James
Mono, Robert
Morgan, George
Nier, Brian
Nourse, Michael
Nourse, Brad Michael
Nuffer, Charles
Oppermann, Walter
Palopoli, Christopher
Paquette, Steven M.
Pate, Kevin
Pernice, Justin
Pitts, Drew
Prashaw, David Philip
Rice, Michael
Robinson, Lyle R.
Rounds, Harold Jr.
Roux, Willie
Sawyer, Randy
Schwandner, Scott
Scott, John
Seymour, Dale
Skellen, Charles
Skellen, Charles Sr.
Smith, Brandon

Sourwine, Nathan
Sovie, Nicholas
Spaulding, Jared
Spencer, Ryan
Stone, Jacob
Strader, Michael
Tanner, William
Tauro, Stephen D.
Traver, Andrew
Travis, Aaron
Turner, Diguan
Vulgamore, Travys
Wallace, Carlton
Winn, Richard Allen III
Wood, Brian Sr.
Wood, Dustin
Woodard, Raymond G. Sr.
Young, Jeremy